

REMARKS

Claims 2 and 11-16 are pending in the application.

Claims 1, 3-10, 17 and 18 have been canceled.

Claim 2 has been amended to incorporate the subject matter of claim 3.

Claims 11, 12 and 14 have been amended to correct claim dependencies.

No new matter has been added.

Rejections Under 35 USC § 112, Second Paragraph

The Examiner has rejected claim 18, contending that the claim contains a broad range together with a narrow range that falls within the broad range.

Applicants have canceled claim 18 for the sole reason of expediting prosecution, thereby overcoming the rejection.

Rejections Under 35 USC § 112, First Paragraph

Enablement

The Examiner has rejected claims 17 and 18 for lack of enablement, contending that the Specification does not reasonably provide enablement for a tumor antigen that is any partial peptide of SEQ ID NO:2 and a peptide comprising a variant of SEQ ID NO:3 with one or more amino acid substitutions.

Applicants do not agree with the Examiner's contention, but for the sole reason of expediting prosecution, have canceled claims 17 and 18, thereby overcoming the rejection.

The Examiner has rejected claim 2 and 11-17 for lack of enablement, but admits that the specification is enabling for a tumor antigen peptide that binds to HLA-A24 antigen and is recognized by HLA-A24 restricted cytotoxic T-cell.

Applicants have canceled claim 17 and amended the claim 2 to require that the peptide binds to an HLA-A24 antigen, thereby overcoming the rejection.

Written Description

The Examiner has rejected claim 18 for lack of written description, contending that the Specification neither reduces to practice any variant of SEQ ID NO:2 nor provides functional characteristic indicating which or where amino acids could be changed while still retaining activity of the peptide.

Applicants do not agree with the Examiner's contention at all, but for the sole reason of expediting prosecution, have canceled claims 17 and 18, thereby overcoming the rejection.

Rejections Under 35 USC § 102

The Examiner has rejected claim 18 as anticipated by Kausch et al.. Specifically, the Examiner states that the claimed peptide is interpreted as a variant of SEQ DI NO:3 or a variant of partial peptide of SEQ ID NO:2.

Applicants do not agree with the Examiner's contention at all, but for the sole reason of expediting prosecution, have canceled claim 18, thereby overcoming the rejection.

Provisional Double Patenting Rejection, Non-Statutory

The Examiner has provisionally rejected claims 2, 3 and 11-18 for obviousness-type double patenting over copending Application No. 10/505955.

Applicants shall address the double patenting issue once allowable subject matter has been found.

Conclusion

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Susan W. Gorman Reg. No. 47,604 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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